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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,175	03/26/2004	Anthony P. Priesgen	281.035	2014
7590 06/10/2005				
PETER C. STOMMA Suite 1030 250 E. Wisconsin Avenue Milwaukee, WI 53202			EXAMINER GUTMAN, HILARY L	
			ART UNIT 3612	PAPER NUMBER

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/811,175

Applicant(s)

PRIESGEN, ANTHONY P.

Examiner

Hilary Gutman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 10-12, 14, 17-22, 27-29, 33 and 35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 8, 13, 15, 23, 24, 30, 32 and 34 is/are rejected.
- 7) ☒ Claim(s) 4, 6, 7, 9, 16, 25, 26 and 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/29/04</u>   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of the species directed to Figures 4-5 in the reply filed on 4/7/05 is acknowledged.
2. Claims 10-12, 14, 17-22, 27-29, 33, and 35 are hereby withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/7/05.

### *Drawings*

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 367. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 375. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the generally square shape of the guide of claim 3 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must

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be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Claim Objections***

6. Claim 23 and 34 are objected to because of the following informalities:

In claim 23, line 3, "a load" should be "the load".

In claim 34, on line 1, "the" should be inserted before "trailer frame" and on line 2, "in" should perhaps be deleted. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 3, 8, and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "the guide" in line 1. There is insufficient antecedent basis for this limitation in the claim. Perhaps this claim should depend from claim 2 (which introduces a guide) and not from claim 1 as currently recited.

Claim 8 recites the limitation "the rail member" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 34 recites the slide mechanism disposed horizontally which is misleading in that the slide mechanism of appears to be disposed longitudinally.

*Claim Rejections - 35 USC § 102*

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 2, 5, 13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Yanke (4,969,784).

Yanke '784 discloses a slide mechanism for mounting a tie-down assembly on a trailer, comprising: an elongated member 27 having an axial length, including: a slot (Figure 2) extending the axial length of the elongated member, the slot having a gap width; and a channel disposed parallel to and in communication with the slot, the channel having a width that exceeds the gap width of the slot; and a carriage bolt 53 having a head and an elongated neck, the head having a width exceeding the gap width of the slot (Figure 3); wherein: the channel is configured to receive and maintain the carriage bolt head adjacent to the slot; and the carriage bolt neck is configured to couple the tie-down assembly to the slide mechanism.

With regard to claim 2, the carriage bolt 53 includes a guide disposed between the head and the elongated neck and configured to extend through the slot, and wherein the neck includes

a threaded external portion (engaging 55, Figure 3) configured to receive an internally threaded tightening nut 55 coupling the tie-down assembly to the slide mechanism.

With regard to claim 5, the elongated member includes a box-shaped beam (Figure 2) defining a hollow interior.

With regard to claim 13, the elongated member includes a generally L-shaped plate 74 (Figure 6) having a vertical portion perpendicular to a base portion.

With regard to claim 15, the slot and the channel are disposed along the vertical portion of the L-shaped plate.

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 23, 24, 30, 32, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beck (5,409,335) in view of Yanke (4,969,784).

Beck discloses a trailer frame 10 for transporting a load, the trailer frame supported on an axle and a pair of wheels (not numbered, see Figure 1), comprising: a tie-down assembly 14 configured to secure the load 13; and a slide mechanism 16 (Figures 2-4) configured to slidably couple the tie-down assembly to the trailer frame, the slide mechanism including: an elongated member 15 having an axial length, including a slot extending the axial length of the elongated member, the slot having a gap width; and a channel disposed in communication with the slot, the channel having a width that exceeds the gap width of the slot.

With regard to claim 34, Beck discloses the trailer frame including a first side and a second side, and wherein the slide mechanism is disposed longitudinally and parallel with the first and the second sides of the trailer frame.

Beck lacks the recited tie-down assembly and slide mechanism of the claimed invention including a carriage bolt with a head.

Yanke '784 teaches a slide mechanism for mounting a tie-down assembly. The slide mechanism is configured to slidably coupled the tie-down assembly to a pickup frame, the slide mechanism including an elongated member 27 having an axial length, including a slot (Figure 2) extending the axial length of the elongated member, the slot having a gap width; and a channel disposed in communication with the slot, the channel having a width that exceeds the gap width of the slot; and a carriage bolt 53 with a head having a width that exceeds the gap width of the slot; wherein: the channel is configured to maintain the carriage bolt head adjacent to the slot; and the carriage bolt 53 is configured to receive the tie-down assembly.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the slide mechanism of Yanke in place of the slide mechanism of Beck in order to allow the tie-down assembly to be tightened and secured at any location along the elongated member for easier securement of loads being hauled.

With regard to claim 24, the tie-down assembly includes: a ring; and a mounting plate configured to couple the ring to the slide mechanism.

With regard to claim 30, the elongated member of the slide mechanism includes an L-shaped plate 74 with a vertical portion having the slot and the channel.



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With regard to claim 32, the tie-down mechanism includes: a loop; and a base portion coupled to the loop, wherein the base portion is integrated with the head of the carriage bolt.

*Allowable Subject Matter*

13. Claims 3 and 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

14. Claims 4, 6-7, 9, 16, 25-26, and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 571-272-6662.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

17. **Any response to this action should be mailed to:**

Assistant Commissioner for Patents

Washington, D.C. 20231


**or faxed to:**

(703) 872-9326, (for formal communications intended for entry)

**or:**

(703) 746-3515, (for informal or draft communications, please clearly label

"PROPOSED" or "DRAFT").

  
Hilary Gutman

May 24, 2005